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8 *Attorneys for Complainant*

9
10 **BEFORE THE
BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**
11

12 In the Matter of the Statement of Issues Against:

Case No. 4100

13 **ASHVEER S. BAJWA**
2031 Basque Drive
14 Tracy, CA 95304

STATEMENT OF ISSUES

15 Applicant/Respondent.
16

17 Complainant alleges:

18 PARTIES

19 1. Virginia Herold (Complainant) brings this Statement of Issues solely in her official
20 capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs.

21 2. On or about September 8, 2010, the Board of Pharmacy, Department of Consumer
22 Affairs received an application for registration as a Pharmacy Technician from Ashveer S. Bajwa
23 (Respondent). On or about March 28, 2010, Ashveer S. Bajwa certified under penalty of perjury
24 to the truthfulness of all statements, answers, and representations in the application. The Board
25 denied the application on March 1, 2011.

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JURISDICTION

3. This Statement of Issues is brought before the Board of Pharmacy (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

4. Section 4300 of the Code states in pertinent part:

"(c) The board may refuse a license to any applicant guilty of unprofessional conduct. The board may, in its sole discretion, issue a probationary license to any applicant for a license who is guilty of unprofessional conduct and who has met all other requirements for licensure."

5. Section 4301 of the Code states in pertinent part:

"The board shall take action against any holder of a license who is guilty of unprofessional conduct or whose license has been procured by fraud or misrepresentation or issued by mistake. Unprofessional conduct shall include, but is not limited to, any of the following:

"(j) The violation of any of the statutes of this state, or any other state, or of the United States regulating controlled substances and dangerous drugs.

"(l) The conviction of a crime substantially related to the qualifications, functions, and duties of a licensee under this chapter. The record of conviction of a violation of Chapter 13 (commencing with Section 801) of Title 21 of the United States Code regulating controlled substances or of a violation of the statutes of this state regulating controlled substances or dangerous drugs shall be conclusive evidence of unprofessional conduct. In all other cases, the record of conviction shall be conclusive evidence only of the fact that the conviction occurred. The board may inquire into the circumstances surrounding the commission of the crime, in order to fix the degree of discipline or, in the case of a conviction not involving controlled substances or dangerous drugs, to determine if the conviction is of an offense substantially related to the

1 qualifications, functions, and duties of a licensee under this chapter. A
2 plea or verdict of guilty or a conviction following a plea of nolo
3 contendere is deemed to be a conviction within the meaning of this
4 provision.”

5 6. Section 480 of the Business and Professions Code provides, in pertinent part, that a
6 board may deny a license if the applicant has been convicted of a crime substantially related to
7 the qualifications, functions or duties of the business or profession for which application is made,
8 has committed any act involving dishonesty, fraud or deceit, has committed any act which if done
9 by a licensee would be grounds for suspension or revocation of a license, or has knowingly made
10 a false statement of fact required to be revealed in the application.

11 FIRST CAUSE FOR DENIAL OF APPLICATION

12 (Conviction of a Crime)

13 7. Respondent's application is subject to denial under section 480, subdivision (a)(1) and
14 section 4300, subdivision (c) as it interacts with section 4301, subdivisions (j) and (l), in that on
15 or about August 31, 2004, in a criminal proceeding entitled People v. Ashveer Bajwa in San
16 Joaquin Superior Court, Case Number 608241, Respondent was convicted by plea of nolo
17 contendere of violating Vehicle Code section 23222, subdivision (b) (possession, while driving a
18 motor vehicle upon a highway, of not more than one avoirdupois ounce of marijuana), a
19 misdemeanor. The circumstances are that on or about March 31, 2004, Respondent possessed
20 marijuana while driving.

21 SECOND CAUSE FOR DENIAL OF APPLICATION

22 (Conviction of a Crime)

23 8. Respondent's application is subject to denial under section 480, subdivision (a)(1) and
24 section 4300 subdivision (c) as it interacts with section 4301 subdivision (l), in that on or about
25 December 15, 2010, in a criminal proceeding entitled People v. Ashveer Bajwa in San Joaquin
26 Superior Court, Case Number TM115357A, Respondent was convicted by plea of nolo
27 contendere of violating Vehicle Code section 23152, subdivision (b) (driving while having a
28 blood alcohol content of .08% or above), a misdemeanor. The circumstances are that on or about

1 August 7, 2010, while having a blood alcohol content of over .08, Respondent drove his car
2 through a red light and collided with another vehicle, injuring its driver.

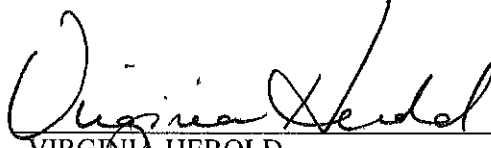
3 PRAYER

4 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
5 and that following the hearing, the Board of Pharmacy issue a decision:

6 1. Denying the application of Ashveer S. Bajwa for a registration as a Pharmacy
7 Technician;

8 2. Taking such other and further action as deemed necessary and proper.

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10 DATED: 10/3/12


11 VIRGINIA HEROLD
12 Executive Officer
13 Board of Pharmacy
14 Department of Consumer Affairs
15 State of California
16 Complainant

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